

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

ANTHONY E. GOOCH, Individually)
and on behalf of all similarly situated)
individuals,)
Plaintiff,) NO. 1:07-0016
v.) JUDGE HAYNES
LIFE INVESTORS INSURANCE)
COMPANY OF AMERICA and)
AEGON USA, INC.,)
Defendants.)

ORDER

In accordance with the Memorandum filed herewith, (1) Defendants' motion to dissolve preliminary injunction (Docket Entry No. 238) is **DENIED**; (2) Plaintiff's second motion to certify class (Docket Entry No. 263) is **GRANTED**; (3) Plaintiff's motion for reinstatement of partial summary judgment (Docket Entry No. 268) is **GRANTED**; (4) Plaintiff's motion to strike undisclosed witnesses (Docket Entry No. 328) is **GRANTED**; and (5) Defendants' motion to dismiss class action allegations based on Plaintiff's insurance fraud and false testimony and supplement to Defendants' opposition to Plaintiff's second motion for class certification (Docket Entry No. 356) is **DENIED**.

The Court certifies this action as a class action under Fed. R. Civ. P. 26(b)(2) as a class of: “[a]ll individuals throughout the United States who are, or between six (6) years from the filing date of this action until the present have been, insured by Cancer Only Policies issued by Life Investors.”

A status conference in this action is set for **Friday, January 15, 2010 at 2:30 p.m.**

It is so **ORDERED**.

ENTERED this the 21st day of December, 2009.


WILLIAM J. HAYNES, JR.
United States District Judge